

HIGH COURT OF JAMMU AND KASHMIR
(Office of the Registrar General at Jammu)

CIRCULAR

No: 32

Dated: 31.03.2016

In the case titled as Malthesh Gudda Pooja Vs. State of Karnataka & others, reported in MANU/SC/1239/2011 : 2012 (3) CTC 59 and 2011 Law Suit (SC) 1122, the Hon'ble Supreme Court observed as under:


"When the provision for review by the same Judge/s was made, it was made on the assumption that the Judges will be available at the same place. The Rules did not contemplate the Court having Benches outside the main seat or Circuit Benches and Judges moving from Bench to Bench or Judges and coming back after three months or six months. A Judge who sits and hears a matter in a Circuit Bench away from the main seat, may not be available in that particular Circuit Bench for a considerable time which may vary from three to six months or even more. Further, when two Judges heard the matter at a Circuit Bench, the chances of both Judges sitting again at that place at the same time, may not arise. But the question is in considering the applications for review, whether the wholesome principle behind Order 47 Rule 5 of the Code and Rule 5 of Chapter 3 of the High Court Rules providing that the same Judges should hear it, should be dispensed with merely because of the fact that the Judges in question, though continue to be attached to the Court are sitting at the Main Bench, or temporarily at another Bench. In the interests of justice, in the interests of consistency in judicial pronouncements and maintaining the good judicial traditions, an effort should always be made for the review application to be heard by the same Judges, if they are in the same Court. Any attempt to too readily provide for review applications to be heard by any available Judge or Judges should be discouraged..... Every effort should be made to achieve the object of review by ensuring that the matter is considered by the Judge or the Bench which rendered the judgment. Be that as it may."

In view of the above, it is ordered that an application for review shall invariably be listed before the same Hon'ble Judge or Bench of Hon'ble Judges that delivered the judgment/order sought to be reviewed. In any case where an Hon'ble Judge has

demitted the office either by retirement or transfer, the Review Petition filed against the judgment/order passed by such Hon'ble Judge while sitting singly shall be listed before the Hon'ble Judge nominated by the Hon'ble Chief Justice to deal with such a Petition. In other cases, where the Hon'ble Judge who has demitted the office either by retirement or transfer was a Member of the Hon'ble Division Bench and any Review Petition is filed against the judgment/order delivered by that Bench such Petition shall be listed before the Bench of which the other available Hon'ble Judge is a Member, Where a Review petition is filed against a judgment/order of the Hon'ble Division Bench, the Members of which have demitted the office either by retirement or transfer such Petition shall be listed before the Hon'ble Court only after seeking the orders of the Hon'ble Chief Justice.

The Registrars (Judicial) of the two Wings of the High Court shall ensure that the contents of the Circular are implemented accordingly in letter and spirit.

By Order .


(M. K. Hanjura)
Registrar General
Dated : 31.03.2016

No. 43430-34/015

Copy to the:

1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K, for information of His Lordship.
2. Registrar Vigilance, High Court of J&K, Jammu, for information.
3. Registrars (Judicial), High Court of J&K, Jammu/Srinagar,for information and necessary action.
- ✓ 4. Incharge NIC, High Court of J&K, for uploading the same on the High Court Website.


Registrar General